

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

NATHANIEL L. WILLIAMS,

Plaintiff,

v.

VEGAS VENTURE I LLC, *et al.*,

Defendants.

Dist. Case No. 2:20-cv-02022-KJD-VCF
Appellate Case No. 21-16850

ORDER

On January 7, 2022, the Ninth Circuit Court of Appeals referred this matter to this Court for the limited purpose of determining whether in forma pauperis status should be continued for the appeal or whether the appeal is frivolous or taken in bad faith. See 28 U.S.C. § 1915(a)(3); see also Hooker v. American Airlines, 302 F.3d 1091, 1092 (9th Cir. 2002) (revocation of forma pauperis status is appropriate where district court finds the appeal to be frivolous).

Pursuant to 42 U.S.C. § 2000e-5(f)(1), Plaintiff had ninety (90) days after receiving his right-to-sue letter from the EEOC to file his action. It is presumed that Plaintiff received his right-to-sue letter on March 6, 2020. Plaintiff's original complaint was filed on November 2, 2020. Despite the Court giving Plaintiff an opportunity to rebut the presumption, he failed to address it at all. Therefore, his complaint was untimely. Additionally, Plaintiff failed to exhaust any Title VII claims other than retaliation, because he did not include them in the Charge of Discrimination. Finally, his claims were factually insufficient, and despite being given an opportunity to amend them, he failed to do so. Accordingly, the Court finds that Plaintiff's appeal is frivolous and that in forma pauperis status is revoked. The Clerk of the Court shall forward a copy of this order to the Ninth Circuit Court of Appeals.

IT IS SO ORDERED.

Dated this 31st day of January, 2021.



Kent J. Dawson
United States District Judge